



Fact Sheet for the Issuance of AZPDES Concentrated Animal Feeding Operation (CAFO) General Permit AZG2004-002

April 2004

Facilities: AZPDES General Permit for CAFOs in Arizona, except for those in Indian Country.

Background: Under Arizona Revised Statutes (A.R.S.) Title 49, Chapter 2, Article 3.1 it is unlawful to discharge (any addition of any pollutant) from any point source to a "navigable water or waters of the U.S.,"¹ except in accordance with an Arizona Pollutant Discharge Elimination System (AZPDES) permit. A CAFO is a point source² and is therefore subject to the AZPDES permitting program.

Arizona's regulations, Arizona Administrative Code (A.A.C.) Title 18, Chapter 9, Article 9, Section C901, (R18-9-C901) authorizes the issuance of "general permits" to categories of discharges located within the same geographic area, that:

- Involve the same or substantially similar types of operations;
- Discharge the same types of wastes or engage in the same types of sludge use or disposal practices;
- Require the same effluent limitations, operating conditions, or standards for sludge use or disposal;
- Require the same or similar monitoring; and
- Are more appropriately controlled under a general permit than under an individual permit.

The Arizona Department of Environmental Quality (ADEQ) has developed a general permit to regulate a range of CAFOs under one permit. The use of a general permit will allow ADEQ to provide coverage in a timely manner for CAFOs, which, if properly managed, will not have significant impacts on water quality.

This document provides information and facts regarding the conditions within the AZPDES general permit that may apply to CAFOs in Arizona except for Indian Country. Hereinafter, the terms "permit" or "CAFO general permit" or "CAFO GP" will be used. Note also that the permit references various federal regulations. These regulations have been incorporated by reference into the state AZPDES rules in the A.A.C. R18-9-A905. To aid reviewers, however, the permit also cites the federal regulations where appropriate.

I. Introduction

Animal feeding operations (AFOs) are agriculture enterprises where animals are kept and raised in confinement. When animal manure is improperly managed, it can pose substantial risks to the

¹ The AZPDES authorizing statute uses the term "navigable waters," which is defined as equivalent to the waters of the U.S. However, because the term 'navigable waters' can be confusing to the general public (i.e., the definition of 'navigable waters' also includes ephemeral washes, intermittent streams, playas, and wetlands, that may not be able to be traveled by conventional vessels), the CAFO general permit generally references discharges to waters of the U.S.

² "'Point source' means: any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft from which pollutants are or may be discharged to navigable waters. Point source does not include return flows from irrigated agriculture." A.R.S. § 49-201(27) (Underlining added)

environment and public health. Improper management of manure from CAFOs is among the many contributors to remaining water quality problems.

ADEQ revised its AZPDES program rules, on February 2, 2004, to conform with April 2003 revisions to the federal program.

The revised program expands the definition of CAFO, thus imposes requirements on some AFOs not previously regulated. With the new definition, ADEQ estimates that there are approximately 170 CAFOs in Arizona.

ADEQ is issuing the CAFO general permit that authorizes operation of animal feeding operations that meet the definition of a CAFO. The CAFO general permit (AZG2004-002) prohibits the discharge from a CAFO unless certain criteria are met. To achieve this goal, CAFOs must implement best management practices (BMPs) and develop a nutrient management plan (NMP) to ensure that manure, litter and process wastewater remain on the CAFO. The permit allows discharges in the event of a very large storm (greater than the 25-year, 24-hour storm or 100-year, 24-hour storm depending on the type of operation) if the proper BMPs are in place.

The CAFO general permit does not authorize a discharge from an operation that will cause or contribute to non-attainment of a surface water quality standard (SWQS), impair any designated use of a water of the U.S., or that is not in conformance with any Total Maximum Daily Load (TMDL) that has been issued. If a TMDL is developed, if the CAFO discharges to the applicable waterbody segment amounts of the pollutant for which the TMDL was developed, the CAFO is not authorized to be covered by the CAFO GP.

II. Operations Eligible for Authorization under the CAFO General Permit

This general permit covers eligible CAFOs: any large concentrated animal feeding operation; medium concentrated animal feeding operation; or animal feeding operation that is designated as a CAFO under A.A.C. R18-9-D901.

LARGE CAFOs: If an operation confines, for any animal type, the number of animals listed in the column marked "Large CAFO," it is subject to permitting requirements. The owner or operator of a Large CAFO who believes that the operation does not have a potential to discharge may apply for a "No Potential to Discharge" determination pursuant to A.A.C. R18-9-D903. This demonstration is separate from the requirements specified in the CAFO general permit.

MEDIUM CAFOs: If an operation confines for any animal type the number of animals listed in the column marked "Medium CAFO" and there is a discharge from the operation, it is subject to the permitting requirements. The owner or operator determines if there is a discharge. Before making that determination, the owner or operator should assess the site thoroughly. If ADEQ determines that the operation does have a discharge or a potential to discharge and the operation has not been complying with the program requirements, the facility may be subject to fines or penalties.

DESIGNATED CAFOs: ADEQ will evaluate an operation to determine if it is a significant contributor of pollutants to a waters of the United States (WUS) as described in A.A.C. R18-9-D901(B) through D901(E). ADEQ will consider factors such as the size of the AFO; the amount of wastes reaching a WUS; the location of the AFO relative to a WUS; the means of conveyance of animal wastes and process wastewaters into a WUS; the slope, vegetation, rainfall, and any other factor affecting the likelihood or frequency of discharge of animal wastes and process wastewaters into a WUS.

Before making a designation, ADEQ will conduct an onsite inspection of the AFO.

ADEQ will only designate an AFO having less than the number of animals established under the Medium CAFO definition as a CAFO if a pollutant is discharged:

1. Into a WUS through a manmade ditch, flushing system, or other similar manmade device; or

2. Directly into a WUS that originates outside of the facility and passes over, across, or through the AFO or otherwise comes into direct contact with the animals confined in the operation.

If ADEQ determines that the AFO is a significant contributor of pollutants to a WUS, then ADEQ will designate the operation as a CAFO. ADEQ will notify the owner or operator in writing of the designation and the permitting requirements.

Table 1 of this fact sheet contains the specific details about each category of CAFO. Note: The animal type categories and numbers in Table 1 come directly from the definitions in 40 CFR 122.23.

In addition, two or more animal feeding operations under common ownership are considered a single animal feeding operation if they adjoin each other or if they use a common area or system for the disposal of wastes. If combined they meet the definition for Large CAFO or Medium CAFO, then the adjoining operations must be covered by a permit. This CAFO may be eligible for coverage under this permit. These operations are automatically required to seek permit coverage pursuant to A.A.C. R18-9-D901(A).

TABLE 1
Concentrated Animal Feeding Operation Definitions

Animal Type	Large CAFO an operation (or adjoining operations) with at least the following of any animal	Medium ³ CAFO an operation (or adjoining operations) with the following number of any animal and that discharges	Designated CAFO
COWS/CATTLE			An operation that ADEQ designates as a CAFO under A.A.C. R18-9-A901 with less than the number of animals specified under Medium CAFO AND pollutants are discharged from the operation into a waters of the United States (WUS): a. through a man-made ditch, flushing system, or other similar man-made device or b. that originates outside of and passes over, across, or through the animal feeding operation or otherwise comes into direct contact
mature dairy cows, whether milked or dry	700	200 to 699	
cattle other than mature dairy cows or veal calves. Cattle includes heifers, steers, bulls, and cow and calf pairs	1000	300 to 999	
veal calves	1000	300 to 999	
DUCKS			
ducks, if the AFO uses other than a liquid manure handling system	30,000	10,000 to 29,999	
ducks, if the AFO uses a liquid manure handling system	5,000	1,500 to 4,999	
HORSES and SHEEP			
Horses	500	150 to 499	
Sheep or lambs	10,000	3,000 to 9,999	
POULTRY			
Turkeys	55,000	16,500 to 54,999	
laying hens or broilers, if the animal feeding operation uses a liquid manure handling system	30,000	9,000 to 29,999	

chickens (other than laying hens), if the animal feeding operation uses other than a liquid manure handling system	125,000	37,500 to 124,999	with the animals confined in the operation.
laying hens, if the animal feeding operation uses other than a liquid manure handling system	82,000	25,000 to 81,999	
SWINE			
swine each weighing 55 pounds or more	2,500	750 to 2,499	
swine each weighing less than 55 pounds	10,000	3,000 to 9,999	
Footnote 3: An operation is a Medium CAFO if, in addition to meeting the numbers specified above, the operation also meets one of the following conditions: a. Pollutants are discharged into a WUS through a man-made ditch, flushing system, or other similar man-made device or b. Pollutants are discharged directly into a WUS that originates outside of and passes over, across, or through the animal feeding operation or otherwise comes into direct contact with the animals confined in the operation.			

Any operation that does not comply with the eligibility conditions of the CAFO GP is not authorized by the CAFO GP. For an ineligible operation, the permittee of the CAFO must:

- Apply for a separate AZPDES permit to cover the operation,
- Cease any discharge from the operation, or
- Modify the operation to make it eligible for coverage under the CAFO GP.

III. Authorization Under This General Permit

A. Permit Area.

The CAFO GP will be for CAFOs in the State of Arizona, except for those in Indian Country. ADEQ does not have authority for such CAFOs located in Indian Country and applicants must pursue permitting through EPA Region 9 or other appropriate permitting authority. If a CAFO in Arizona is also partially within Indian Country, the CAFO permittee would need to obtain permit coverage under an AZPDES permit from ADEQ and an NPDES permit issued by the permitting authority for the Indian Country (most likely EPA Region 9).

Each permittee operating under the CAFO GP will be assigned an authorization number when his or her Notice of Intent (NOI) is processed. Note that the authorization number is not an AZPDES Permit Number; rather, the assigned number is for tracking purposes only. The actual permit number is AZG2004-002. The permittee will need to keep this authorization number and should reference it in all correspondence, reporting or inquiries to ADEQ including Notices of Termination (NOTs).

B. Eligibility and Allowable CAFOs.

Except for the CAFOs excluded under Limitations on Coverage (Part I, Section D of the CAFO GP), a permittee may operate a CAFO under the CAFO GP if:

1. The CAFO meets the eligibility requirements under Part I.B. of the CAFO GP,
2. The owner or operator submits to the Department a complete and accurate NOI form as described in Part II of the CAFO GP,
3. The owner or operator develops and implements a NMP that meets the requirements and within the timeframes specified in Part IV.A. of the CAFO GP, and
4. The owner or operator complies with all other conditions of the CAFO GP.

IV. Obtaining Authorization Under this General Permit (Part I of the CAFO GP)

- A. General.** In order to start the process for obtaining permit coverage (authorization under the CAFO GP), the owner or operator for a CAFO must submit an NOI to ADEQ.

Unless notified by ADEQ that an individual permit application is required, the owner or operator of an eligible CAFO may submit a complete and accurate NOI and comply with the CAFO GP requirements in lieu of applying for an individual AZPDES permit to cover the CAFO operation.

Only NOI forms provided by ADEQ (or reproductions thereof) are valid. An applicant must be aware that by signing and dating the form the applicant certifies that he or she understands and is willing to comply with all terms and conditions of the AZPDES CAFO General Permit (AZG2004-002).

- B. Effective Date of Permit Coverage.**

The applicant will be notified of the effective date of authorization in writing by the ADEQ Water Quality Division. NOTE: The owner or operator for a new CAFO must receive the authorization notice from the Department BEFORE commencing operations.

At any point, ADEQ may deny coverage under the CAFO GP and require submittal of an application for an individual AZPDES permit based on a review of the NOI or other relevant information.

- C. Termination of Coverage.**

If the CAFO ceases operation or, due to changes at the operation, no longer meets the definition of a CAFO, the permittee must comply with the closure requirements specified in Part VII of the permit and then submit to ADEQ a complete NOT using the form provided by ADEQ (Appendix B of the permit) or a reproduction thereof.

If the permittee transfers ownership of a CAFO to another party, the permittee must submit to ADEQ an NOT.

The NOT must be filed within 30 days after the permittee:

- Completes the implementation of the closure plan for the CAFO,
- Obtains coverage under an individual permit,
- Obtains coverage under an alternative general permit, or
- Transfers ownership of or responsibility for the CAFO.

The NOT must be submitted to the address listed in Part II.D. of the permit.

- D. Who Needs to Obtain Coverage.**

The CAFO GP is available for any of the eligible CAFOs listed Part III.B. of this Fact Sheet.

V. Notice of Intent Requirements (Part II of the CAFO GP)

- A. NOI Contents.**

An NOI must be submitted by all persons seeking authorization to operate a CAFO under this general permit. The NOI form requires the following:

- The name, position, address, and telephone number of the operator of the CAFO;

- The name, address, and telephone number of the owner of the CAFO, if different than the operator;
- The name and address of the CAFO;
- The latitude and longitude of the point(s) of the entrance to the CAFO production area;
- The name of the closest waters of the U.S. including any Municipal Separate Storm Sewer System (MS4), canal or a privately owned conveyance and the distance from the CAFO property boundary to the waters of the U.S.;
- The latitude and longitude of the discharge from the CAFO that is nearest to the nearest waters of the U.S.
- A topographic map of the geographic area in which the CAFO is located showing the specific location of the production area;
- Specific information about the number and type of animals, whether in open confinement or housed under roof;
- The type of containment and storage and total capacity for manure, litter, and process wastewater storage;
- The total number of acres under control of the applicant available for land application of manure, litter, or process wastewater;
- Estimated amounts of manure, litter, and process wastewater generated per year;
- Estimated amounts of manure, litter and process wastewater transferred to other persons per year;
- Information about the development and implementation of the site-specific NMP for the CAFO; and
- The name, title, and signature of the official certifying the NOI information and compliance with the CAFO GP.

The NOI must be signed in accordance with the signatory requirements of 40 CFR 122.22. A complete description of these signatory requirements is provided in Part VIII.K. of the CAFO GP.

B. Deadline for Submitting an NOI.

The permittee of the CAFO must submit a complete and accurate NOI to ADEQ by the applicable deadline specified in Table 2.

There is no penalty for early submission of the NOI. If there is doubt, submit the NOI early or contact the ADEQ CAFO/AFO Coordinator at 602-771-4469 for clarification.

TABLE 2
Deadlines for Submission of a Complete and Accurate NOI

Operation Description	Commencement Date	Due Date
An animal feeding operation defined as a CAFO before February 2, 2004	Operation existed before April 14, 2003	Within 15 days of the effective date of the CAFO GP if the operation is not covered under AZG800000 or another AZPDES permit.
An animal feeding operation defined as a CAFO on February 2, 2004	Operation existed before April 14, 2003	By February 13, 2006.
An animal feeding operation where changes to the operation occurred after February 2, 2004 and the changed operation would have been subject to CAFO permitting requirements before February 2, 2004	Operation existed before April 14, 2003	Within 90 days after the operational change.

An animal feeding operation where changes to the operation occurred after February 2, 2004 and the changed operation would not have been subject to CAFO permitting requirements before February 2, 2004	Operation existed before April 14, 2003	By April 13, 2006 or 90 days after the operation is defined as a CAFO, whichever is later.
An animal feeding operation where the construction of additional facilities (new sources) commenced before September 30, 2004 resulting in the operation being defined as a CAFO that is a new source	Operation existed before April 14, 2003	By March 3, 2004.
An animal feeding operation where the construction of additional facilities (new sources) commenced on or after September 30, 2004 resulting in the operation being defined as a CAFO that is a new source	Operation existed before April 14, 2003	at least 180 days before the new source portion of the CAFO begins operation.
A new CAFO	Construction started after April 14, 2003	at least 180 days before the CAFO begins operation
A designated CAFO	Designated after February 2, 2004	within 90 days after receiving a designation notice.

The various scenarios for deadlines are necessary to address the lag in implementation between the federal regulations and the state regulations. The first entry "An animal feeding operation defined as a CAFO before February 2, 2004" covers AFOs that met the definition of CAFO that was included in the old federal regulations (effective before April 14, 2003). These operations had the number of animals for a CAFO, but did not have adequate storage capacity for the CAFO's manure and process wastewater along with the stormwater from precipitation events that were under the 25-year, 24-hour storm. Operations that met the old definition were required to have permit coverage. The definition of CAFO changed slightly in the current rules and regulations covering CAFOs. (The number of animals within the categories in the definitions has changed slightly. Also, capacity isn't a factor for determining applicability any longer – all CAFOs must apply for permit coverage.) The "newly defined" CAFOs – those operations that were not CAFOs under the old rules but are now CAFOs under the current rules, have until February 13, 2006 to apply for permit coverage. The February 13, 2006 compliance date comes from the federal regulations that became effective on April 14, 2003.

New CAFOs must submit an application for permit coverage at least 180 days before the CAFO begins operation. If that due date is before the effective date of the permit, the applicant should apply for permit coverage as soon as possible (typically within 30 days of general permit issuance). The Department reserves the right to take enforcement action if the new CAFO does not submit an application for permit coverage within the required time period.

VI. Permit Requirements (Part III of the CAFO GP)

A. Effluent Limitations.

Effluent limitations for CAFOs are based on the requirements in 40 CFR 412 which is incorporated by reference at A.A.C. R18-9-A905(A)(9). Although the federal regulation applies specifically for Large CAFOs, the Department has deemed the effluent guidelines at 40 CFR 412 to serve as the best professional judgment (BPJ) limitations for all medium and designated CAFOs. These limitations must be met upon permit coverage.

40 CFR 412 is broken down into the following subparts:

Subpart A: Horses and Sheep;
Subpart B: Ducks;
Subpart C: Dairy Cows and Cattle Other than Veal Calves; and
Subpart D: Swine, Poultry, and Veal Calves.

There are no Large CAFOs within the Horse and Sheep or Duck sectors in Arizona at this time. Any new sources within the Horse and Sheep or Duck sectors would have to comply with the effluent limitations that apply to the Cattle sector (Subpart C). The Department did not include the requirements unique to Subparts A or B within the general permit.

The federal provisions include requirements for new source CAFOs within the Swine, Poultry or Veal Calves (Subpart D) sector that differ from the requirements for the cattle (Subpart C). These provisions must be addressed in the CAFO GP. Therefore, ADEQ specified the requirements in two parts: requirements for CAFOs that ARE NOT new sources within the Swine, Poultry or Veal Calves sector and requirements for CAFOs that ARE new sources within the Swine, Poultry or Veal Calves sector.

1. Operations that are not new source CAFOs (as of February 12, 2003) within the Swine, Poultry or Veal Calves sector.

The effluent limitation for these operations is: "no discharge of CAFO manure, litter or process wastewater from the production area or land application area." Consistent with the federal regulations, the permit includes a caveat that when an owner or operator of a CAFO has controls in place to capture the 25-year, 24-hour storm event IN ADDITION to storing its routine amounts of manure, litter and process wastewater, the CAFO GP allows for discharge in the event of a storm greater than the specified storm event.

The Department is not providing the option for voluntary alternative performance standards for the Cattle sector as described at 40 CFR 412.31(a)(2) within the CAFO general permit. If an appropriate demonstration is made, the Department will apply the voluntary alternative performance standards only within an individual permit for the CAFO.

2. Operations defined as new source CAFOs (as of February 12, 2003) within the Swine, Poultry or Veal Calves sector.

The effluent limitation for new source CAFOs within the Swine, Poultry or Veal Calves sector are the same as above, except the structures must be designed to account for a contribution from the 100-year, 24-hour storm event instead of the 25-year, 24-hour storm event.

The Department did not provide the option for voluntary superior environmental performance standards for the Swine, Poultry or Veal Calves sector specified in 40 CFR 412.46(d). If an appropriate demonstration is made, the Department will apply the voluntary superior environmental performance standards only within an individual permit for the CAFO.

B. Requirements for Land Application Areas.

Where the permittee controls land application areas, the permittee shall develop and implement a nutrient management plan (NMP).

For each field³, the NMP must address the potential for nitrogen and phosphorus transport

³ In general, "field" is the land area upon which CAFO wastes are land applied. The Department intends to allow the

from the field and include the form, source, amount, timing, and method of application of nutrients to achieve realistic production goals, while minimizing nitrogen and phosphorus movement to WUS.

The permittee should include BMPs with the site-specific NMP. The BMPs should address:

1. Land-application of manure, litter, and process wastewater at application rates that minimize phosphorus and nitrogen transport from the field to surface waters in compliance with the Nutrient Management Standard (Code 590) – Field Office Technical Guide (Chapter IV) by the USDA Natural Resources Conservation Service (NRCS), Conservation Practice Standard for Arizona, April 2002 (NRCS Nutrient Management Standard (Code 590));
2. Analyses of manure at least once annually for nitrogen and phosphorus content, and analyses of soil at least once every five years for phosphorus;
3. Periodic inspection of equipment;
4. Setback for application of manure from down-gradient surface waters, open tile line intake structures, sinkholes, agricultural well heads, or other conduits to surface waters.
5. The maintenance of complete on-site records documenting implementation of all required BMPs.

The Department understands that there may be a difference between a requirement in NRCS Nutrient Management Standard (Code 590) and one specified in the CAFO GP. The permittee must comply with all conditions of the permit including any requirement to comply with NRCS Nutrient Management Standard (Code 590). Therefore in order to maintain compliance with all requirements, when there is a difference, the permittee should abide by the more stringent of the two requirements.

C. Additional Measures.

In addition to developing the necessary containment and the BMPs addressed above, the permittee must also implement additional measures specified in 40 CFR 412 upon permit coverage. These measures include:

1. Install in all liquid wastewater impoundments, depth markers which indicate the maximum level of process wastewater that can be contained in the impoundment to ensure adequate capacity;
2. Perform weekly visual inspections of all stormwater diversion devices, run-on/runoff diversion structures, and devices channeling contaminated stormwater to the wastewater and manure storage and containment structure(s);
3. Perform daily visual inspections of all water lines, including drinking water or cooling water lines, when present;
4. Perform weekly inspections of the manure, litter, and process wastewater impoundments and record the level by use of the installed depth marker;
5. Correct any deficiencies that are identified in daily and weekly inspections;

owner or operator to manage fields with similar soils in a similar manner. The Natural Resources Conservation Service (NRCS) Nutrient Management Standard (Code 590) (April 2002) also addresses this issue stating: "Fields having similar soil test results and crop recommendations may be grouped." (page 2 of 8) Permittees may find the NRCS soil survey maps helpful in determining the soils types.

6. Ensure proper disposal of animal mortalities so as to prevent any discharge of pollutants to a WUS; and
7. Maintain complete on-site records documenting implementation of all required BMPs.

The permittee must perform the inspections on the frequency specified in the permit. The permittee may use inspection logs that include columns for the inspector signature and date as a means of documenting the inspection.

For inspections of water lines in paragraph 3, above, the Department expects the permittee to visually inspect water lines that are visible (any that are not buried in concrete or soil or encased) each day. The requirement does not require the permittee to uncover buried water lines or to remove the casing to inspect the water lines. However, the Department expects permittees to investigate water lines for potential leaks if there is evidence of leaks, such as moisture in the soils above the water lines outside of rainfall events.

VII. Special Conditions (Part IV of the CAFO GP)

A. Nutrient Management Plan.

1. Deadline for submission. All permittees must implement an NMP which has been prepared and approved by a certified nutrient management planning specialist. A "certified nutrient management planning specialist" is defined in the permit and means a person who has successfully completed all the Arizona NRCS courses and coursework of the Arizona NRCS Certified Nutrient Management Planning Specialist certification process. ADEQ does not view any other NRCS certification as meeting the necessary qualifications to prepare and approve a nutrient management plan under the CAFO permit.
 - a. New Sources. The permit requires that the permittee for a new source, develop and implement the NMP upon permit coverage. The Department is requiring that the applicant submit the NMP with the NOI to the Department.
 - b. CAFOs that are not new sources. For CAFOs that are not new sources, the permittee must develop and implement the NMP by December 31, 2006, if the NOI was submitted to the Department before December 31, 2006. If the NOI is submitted to the Department after December 31, 2006, the permittee is required to develop and implement the NMP at the time that the complete and accurate NOI was submitted to the Department.

As a means to protect impaired or unique waters, ADEQ is requiring the owner or operator of CAFOs within ¼ mile of unique waters or certain impaired waters to develop and implement an NMP for the CAFO before December 31, 2006. If the operation is located within ¼ mile of:

- An impaired water listed for total nitrogen, nitrogen species, total phosphorus, turbidity, fecal coliform or *E.Coli*, or
- An unique water identified in A.A.C. R18-11-112,

The permittee must develop an NMP for the operation within 180 days of NOI submission or December 31, 2006, whichever is earlier and implement the NMP within one year of NOI submission or December 31, 2006, whichever is earlier.

To assist the reader, the list of impaired waters may be viewed on the ADEQ website at: <http://www.adeq.state.az.us/environ/water/assessment/assess.html>. In addition, as of

December 31, 2003, that list of unique waters includes:

- The West Fork of the Little Colorado River, above Government Springs;
 - Oak Creek, including the West Fork of Oak Creek;
 - Peoples Canyon Creek, tributary to the Santa Maria River;
 - Burro Creek, above its confluence with Boulder Creek;
 - Francis Creek, in Mohave and Yavapai counties;
 - Bonita Creek, tributary to the upper Gila River;
 - Cienega Creek, from confluence with Gardner Canyon and Spring Water Canyon at R18E T17S to USGS gauging station at 32°02'09" / 110°40'34", in Pima County;
 - Aravaipa Creek, from its confluence with Stowe Gulch to the downstream boundary of Aravaipa Canyon Wilderness Area;
 - Cave Creek and the South Fork of Cave Creek (Chiricahua Mountains), from the headwaters to the Coronado National Forest boundary;
 - Buehman Canyon Creek, from its headwaters (Lat. 32°24'55.5" N, Long. 110°39'43.5"W) to approximately 9.8 miles downstream (Lat. 32°24'31.5" N, Long. 10°32'08" W);
 - Lee Valley Creek, from its headwaters to Lee Valley Reservoir;
 - Bear Wallow Creek, from its headwaters to the boundary of the San Carlos Indian Reservation;
 - North Fork of Bear Wallow Creek, from its headwaters to Bear Wallow Creek;
 - South Fork of Bear Wallow Creek, from its headwaters to Bear Wallow Creek;
 - Snake Creek, from its headwaters to its confluence with Black River;
 - Hay Creek, from its headwaters to its confluence with the West Fork of the Black River;
 - Stinky Creek, from the Fort Apache Indian Reservation boundary to its confluence with the West Fork of the Black River; and
 - KP Creek, from its headwaters to its confluence with the Blue River.
2. NMP Contents. In addition to the NMP components addressed in Parts VI.B. and VI.C. of this Fact Sheet, the NMP must:
- a. Ensure adequate storage of manure, litter, and process wastewater, including procedures to ensure proper operation and maintenance of the storage facilities;
 - b. Ensure that stormwater or other water run-on is diverted from the production area;
 - c. Prevent direct contact of confined animals with WUS;
 - d. Ensure that chemicals and other contaminants handled on-site are not disposed of in any manure, litter, process wastewater, or stormwater storage or treatment system unless specifically designed to treat such chemicals and other contaminants;
 - e. Identify appropriate site specific conservation practices to be implemented, including as appropriate buffers or equivalent practices to control runoff of pollutants to WUS;
 - f. Identify protocols for appropriate testing of manure, litter, process wastewater, and soil;
 - g. Establish protocols to land apply manure, litter or process wastewater in accordance with site specific nutrient management practices that ensure

appropriate agricultural utilization of the nutrients in the manure, litter or process wastewater; and

- h. Identify specific records that will be maintained to document the implementation and management of the elements described above.

The Department understands that the permittee may use chemicals on the site. Because of the potential to harm water quality, the permittee must address the proper use, disposal and treatment for these chemicals within the NMP.

B. Minimum Standards for Production Area and Land Application Activities.

The permittee must design and implement the following measures to prevent discharges of pollutants to WUS from CAFOs and land application activities under the operational control of the permittee:

1. Ensure effective storage measures are in place to protect water quality (maintain sufficient capacity in liquid manure, wastewater, and stormwater storage structures; store dry manure to prevent polluted runoff; provide adequate storage capacity to ensure compliance with NRCS Nutrient Management Standard (Code 590), and ensure proper operation and maintenance of all manure, wastewater, and stormwater storage).
2. Design and implement management practices to divert stormwater run-on from the production area.
3. Develop and implement appropriate controls to prevent direct access of animals to surface water in the production area.
4. Implement controls to prevent the inappropriate introduction of chemicals into the manure, wastewater, and stormwater storage and handling system.
5. Develop and implement setbacks, buffer strips or other equivalent practices that are sufficient to minimize the discharge of pollutants to WUS.
6. Identify and implement specific manure, wastewater and soil sample collection and analysis protocols to be utilized in developing and implementing the NMP.
7. Ensure the establishment of protocols to apply manure and wastewater in accordance with the technical standards for nutrient management.
8. Maintain all records necessary to document the development and implementation of the NMP and compliance with the minimum standards.

The permit requires that manure is analyzed at least annually for total nitrogen, TKN, ammonia, nitrate-nitrogen and total phosphorus. The permittee shall use sampling protocols and test procedures that comply with Part VIII.J.4. of the general permit which states that if a method is not specified within a permit or in 40 CFR 136, that the permittee shall follow the protocols specified in NRCS Nutrient Management Standard (Code 590).

In addition, the permit includes the following definition: "Manure" means any waste or material mixed with waste from an animal including manure, bedding, compost and raw materials, or other materials commingled with manure or set aside for disposal." Process wastewater is included in "other materials commingled with manure or set aside for disposal." The permittee should analyze the solid and the liquid portions of the "manure."

C. Permit Related Records.

The permittee must maintain a copy of the CAFO GP; the NOI that was submitted to the Department; the certificate received from the Department specifying the authorization number; and the NMP at the CAFO location. The confirmation of coverage letter the permittee receives from the Department assigning the permit authorization number IS NOT the permit - it merely acknowledges that the NOI has been accepted and the permittee has been authorized to operate subject to the terms and conditions of the CAFO GP.

D. Inspections.

The permittee must:

- Perform and document inspections to comply with and to demonstrate compliance with the effluent limitations and NMP requirements of the CAFO GP.
- Document follow-up actions.
- Retain all inspection reports and records of any follow-up actions taken as part of the NMP for three years from the date the permit expired or the NOT was filed with the Department or for five years from the date the record was created, whichever is greatest.
- Sign each report in accordance with Part VIII.K. of the CAFO GP.

Based on the results of the inspections, the permittee must correct any problems identified by the inspections and modify the NMP to include additional or modified BMPs designed to correct problems identified. The permittee must complete corrections within seven calendar days following the inspection. If existing BMPs need to be modified or if additional BMPs are necessary, the permittee must modify the NMP and implement the new or modified BMP as soon as practicable.

The Department has the authority to require permittees to retain records for a longer period of time, if the Department deems it necessary. Because a new general permit may not be issued immediately upon the expiration of the old general permit, the Department believes it is necessary to require permittees to maintain records beyond the 5-year requirement. The Department requires that the records be maintained for a minimum of five years, but if they were created near the beginning of the permit coverage, the records should be maintained for up to 3 years after permit expiration or the NOT was filed with the Department.

E. Signature, Plan Review, and Making Plans Available.

1. The permittee must:
 - a. Sign the NMP in accordance with Part VIII.K of the CAFO GP;
 - b. Retain the NMP at the CAFO or other location easily accessible during normal business hours; and
 - c. Make the NMP available, in its entirety, to the Department, local authority, or EPA for review and copying at the time of an on-site inspection.
2. Upon request, the permittee must provide a copy of the NMP to the Department, or to any other state, federal, local agency, or tribal authority.
3. Any other person may make a written request to the Department for access to a copy of the NMP. In this event, the Department shall request and the permittee must provide within 14 calendar days, a copy for ADEQ to make available for public review.

F. Deficiencies in the NMP.

The Department may notify the permittee at any time that the NMP does not meet one or more of the requirements of the CAFO GP including a statement on the provisions of the CAFO GP that are not being met and parts of the NMP that require modification. The Department will specify the compliance timeframes within the notification. The permittee must make the required changes to the NMP and submit to the Department a written certification that the requested changes have been made. The Department may request submittal of the revised NMP to confirm all deficiencies have been adequately addressed or take appropriate enforcement action for the period of time the permittee was operating under a plan that did not meet the minimum requirements of the CAFO GP.

NOTE: A certified nutrient management planning specialist must make the changes to the NMP if the deficiencies require modifying a BMP or adding additional BMPs or structural practices to accommodate BMP changes.

G. Requirements Relating to Transfer of Manure or Process Wastewater to Other Persons.

Prior to transferring manure, litter or process wastewater to other persons, the permittee shall provide the recipient of the manure, litter or process wastewater with the most current nutrient analysis. The permittee shall ensure that the analysis is consistent with the requirements in Part III.B.2.b, Part IV.B.6. and Part VIII.J.4. of the permit. The permittee shall retain records of the date, recipient name and address, and approximate amount of manure, litter or process wastewater transferred to another person. The permittee shall retain these types of records for 3 years after the permit expires or the NOT was submitted to the Department or for five years from the date a records was created, whichever is later.

H. Other Legal Requirements.

No condition of the CAFO GP shall release the permittee from any responsibility or requirements under other Federal, State or Local statutes or regulations.

VIII. Discharge Monitoring and Notification Requirements (Part V of the CAFO GP)

A. Notification of Discharges from Manure and Wastewater Storage and Handling Structures.

If, for any reason, there is a discharge of a pollutant to a WUS, the permittee shall notify the Department orally within 24 hours and in writing within five (5) working days of the discharge from the CAFO. In addition, the permittee shall keep a copy of the notification submitted to the Department together with the other records required by the CAFO GP. The discharge notification shall include a description and time of the discharge.

B. Monitoring Requirements for all Discharges from Retention Structures.

In the event of an overflow or other discharge of pollutants from a manure and/or wastewater storage or retention structure, the permittee must collect grab samples of the overflow in accordance with NRCS Nutrient Management Standard (Code 590) and approved test methods under A.A.C. R18-9-A905(B) or NRCS Nutrient Management Standard (Code 590) and analyze those samples for total nitrogen, phosphorus, fecal coliform five-day biochemical oxygen demand (BOD₅), and total suspended solids. In addition, the permittee must record an estimate of the volume of the release and the date and time. The permittee must submit monitoring results to the Department within 30 days. If due to no fault of the permittee, the permittee does not receive the sampling results in enough time to submit the results to the Department within 30 days from the overflow event, the permittee shall submit the results to the Department as soon as possible with documentation about the delay.

If conditions are not safe for sampling, the permittee must provide documentation of why samples could not be collected.

IX. Recordkeeping and Reporting (Part VI of the CAFO GP)

The recordkeeping and reporting requirements are summarized in Table 3 of this Fact Sheet.

A. Documents.

The permittee shall retain copies of the NMP (all modifications) and all documentation required by the CAFO GP, including records of all data used to complete the NOI to be covered by the CAFO GP and inspections and information required to be maintained by the CAFO GP for three years from the permit expiration or the date that the NOT was filed with the ADEQ or for five years for the date a record was created, whichever is later. The permit includes separate and distinct recordkeeping requirements for:

- The production area,
- The land application area, and
- The transfer of manure or process wastewater to other persons.

B. Accessibility to NMP, Including Updates.

The permittee must retain a copy of the NMP (including a copy of the permit) at the physical CAFO until the date of NOT submittal. New sources must have the NMP available from the date of commencement of operations or permit coverage. Other CAFOs must have the NMP available as of the date described in Part VII.A.1. of this Fact Sheet (Part IV.A.1 of the permit).

The permittee should note that this provision solely addresses the types of records that need to be retained and the length of retention of those records AT THE CAFO. The permittee is required to maintain those records at another location to comply with the other record retention requirements within the permit. (Typically the later of: three years after NOT was filed or permit expiration or five years from the date that the records were created.)

C. Annual Reporting Requirements.

By February 19 of each year, the permittee shall submit an annual report to the Director and include specific information about the operations that are specified in Part VI.D. of the CAFO GP. The permittee must include an estimate of the amount of total manure, litter and process wastewater generated by the CAFO and transferred to another person by the CAFO in the previous 12 months.

TABLE 3
Summary of Recordkeeping Requirements

Parameter	Units	Frequency
Nutrient Management Plan		
The CAFO must maintain on-site a current site-specific NMP that reflects the existing operational characteristics. The operation must also maintain on-site all necessary records to document that the NMP is being properly implemented with respect to manure and wastewater generation, storage and handling, and land application. In addition records are to be maintained that the development and implementation of the NMP is in accordance with the minimum standards defined in 40 CFR 122.42(e).	N/A	N/A

Soil and Manure/Wastewater Nutrient Analysis		
Analysis of manure to determine nitrogen and phosphorus content.	ppm lbs/ton	Conduct initial sampling, then at least annually.
Analysis of soil in all fields where land application activities are conducted to determine phosphorus content.	Ppm	Conduct initial sampling, then at least once every five years.
Operation and Maintenance		
Visual inspection of all water lines.	N/A	Daily
Document depth of manure and process wastewater in all liquid impoundments	Feet	Weekly
Document all corrective actions taken	N/A	As necessary
Document animal mortality practices	N/A	As needed
Design documentation for all manure, litter, and wastewater storage structures including the following information:		
Volume for solids accumulation	yd ³ or gallon	once per permit
Design treatment volume	yd ³ or gallon	term
Total design volume	yd ³ or gallon	
Days of storage capacity	days	
Document all overflows from all manure and wastewater storage structures including:		
Date and time of overflow	month/day/year	per event
Estimated volume of overflow	gallons, total time	per event
Document manure application equipment inspection	N/A	Seasonally

X. Notice of Termination and Closure Requirements (Part VII of the CAFO GP)

A permittee shall submit an NOT for any of the following reasons:

- The operation or the ownership is transferred to another party.
- Changes occur at the CAFO so that it no longer meets the definition of a CAFO (e.g. reduced number of animals or adjoining operations no longer use common waste system).
- The CAFO ceases operation. (e.g. land is sold and/or will be used for another purpose).

If the responsibility for operation or the ownership transfers to another party, the permittee shall comply with the transfer requirements in Part VIII.L.3. of the CAFO GP.

If the CAFO ceases operation or the operation no longer meets the definition of a CAFO due to changes at the operation, the permittee must ensure that the manure, litter and process wastewater generated when the CAFO operated will not have the potential for discharge off the CAFO property. In order to demonstrate that this has been achieved, the permittee must prepare and implement a closure plan.

Within 30 days of completely implementing the closure plan, the permittee must submit a completed NOT to the Department. The Department will notify the permittee of the date of termination of coverage, in writing.

XI. Standard Permit Conditions (Part VIII of the CAFO GP)

Federal regulations require all AZPDES permits to contain the standard conditions specified at 40 CFR 122.41 This section of the permit describes those conditions.

- A. Duty to Comply.** The permittee must comply with all conditions of the CAFO GP. A permittee not fulfilling his or her obligations, as agreed upon by signing the NOI, is considered in

violation of state statutes, as well as the Clean Water Act, and may be subject to injunctive relief, substantial monetary penalties, incarceration, changes or terminations to the permit, or denial of permit renewal.

- B. Duty to Reapply.** If the CAFO GP is reissued and the permittee desires to continue operating the CAFO under the permit, he/she must apply for coverage and obtain a new authorization. For general permit coverage, this requires the permittee to comply with the terms of the new general permit. If the general permit expires and the permit is not reissued, the expired permit is automatically extended. Permittees with authorization continue to be covered until the new permit is issued or the Department notifies the permittee that it does not intend to issue another general permit.
- C. Need to Halt or Reduce Activity Not a Defense.** The permittee facing enforcement action may not use as a defense the reasoning that compliance could only be achieved by halting or reducing the permitted activity.
- D. Duty to Mitigate.** The permittee is required to take all reasonable steps to prevent any discharge in violation of the CAFO GP that has a reasonable likelihood of adversely affecting human health or the environment.
- E. Proper Operation and Maintenance.** The permittee must properly operate and maintain all equipment and treatment systems used by the permittee for compliance with the terms of the permit. This includes sediment and erosion controls and other BMPs implemented at the site to achieve compliance with the terms of the permit. The permittee must provide appropriate laboratory controls and quality assurance procedures as necessary. Backup systems are required when needed to ensure compliance.
- F. Permit Actions.** ADEQ may modify or revoke and reissue the CAFO GP for the reasons specified in 40 CFR 122.62(a) and (b).
- G. Property Rights.** Authorization under the CAFO GP does not convey any property rights of any sort, or any exclusive privilege. Injury to private property or invasion of personal rights is also not authorized under the CAFO GP nor any infringement of Federal, State, or local laws or regulations.
- H. Duty to Provide Information.** The permittee must transmit any information needed to determine compliance with the permit.
- I. Inspection and Entry.** The permittee must, upon presentation of valid credentials by ADEQ or its representative, allow entry into the premises where the regulated activity and/or records are present. ADEQ must have access to view and to be able to make copies of any required records, inspect facilities, practices, operations, and equipment, and sample or monitor at reasonable times.
- J. Monitoring and Records.** Any samples required to be taken must be representative of the monitored activity. Records must be retained for three (3) years from permit expiration or NOT submission to the ADEQ or for five (5) years from the date a record was created, whichever is greater. This retention requirement is subject to extension by ADEQ. Monitoring records must identify the sampling dates and personnel, the sample location and time, and the analytical techniques used and corresponding results. Falsification of results is a violation.
- K. Signatory Requirements.** Applications, reports, NOIs, NOTs, or other information submitted to the Department must be signed and certified by a responsible officer, a general partner or proprietor of a partnership, or a principal executive officer or ranking elected official for a municipality, State, Federal, or other public agency. Knowingly making false statements,

representations, or certifications is subject to penalties. Other than NOIs, these reports may be signed by a duly authorized representative. A person is considered a duly authorized representative only if the authorization is made in writing by such person and submitted to ADEQ. A duly authorized representative may be either a named individual or any individual occupying a named position. The duly authorized representative is not the same as the permittee, but the legally bound representative of the owner or operator.

- L. Reporting Requirements.** The permittee must report to the Department when there are planned changes (alterations or additions); anticipated noncompliance; when there is a transfer of ownership or operation; monitoring data on the frequency specified in the permit; experienced noncompliance within 24 hours by telephone and within five days in writing or with the routine monitoring reports; and corrections or updates to the NOI as soon as the permittee becomes aware of the situation.
- M. Bypass.** The permittee may intentionally divert waste streams from any portion of the treatment facility if there will be severe damage to the property and if the conditions of bypass as specified in 40 CFR 122.41(m) are met.
- N. Upset.** The permittee will not be liable for unintentional and temporary noncompliance with the technology based requirements of Part III of AZG2004-002, if the exceptional incident causing the noncompliance was beyond the reasonable control of the permittee. The permittee must demonstrate that the conditions of upset, as provided in A.R.S. 49-255(8) and 255.01(E) are met.
- O. Reopener Clause.** In accordance with A.A.C. R18-9-C905, ADEQ can choose to reopen and modify the CAFO GP for any reason specified in 40 CFR 122.62(a) and (b), including in the event of new regulatory requirements.
- R. Other Environmental Laws.** Compliance with the CAFO GP does not give permission to violate other environmental rules or statutes.
- Q. State or Tribal Law.** Compliance with the CAFO GP does not give permission to violate other laws.
- R. Severability.** If any part of the CAFO GP is determined to be invalid in a subsequent administrative or legal process, the remainder of the permit will not be affected.
- S. Requiring Coverage under an Individual Permit or an Alternative General Permit.** Based upon a number of different situations (e.g., applicable numeric effluent limitations resulting from a TMDL or a determination that the operator has the potential to cause or contribute to a water quality standard exceedance), ADEQ may determine that coverage under an individual permit or alternative general permit is necessary. If a CAFO is operating under AZG2004-002 and ADEQ determines that individual permit coverage or coverage under an alternative general permit is required, ADEQ will notify the permittee in writing of this required change in permit coverage and provide the reasoning for the decision, an application form, and a deadline for filing the application or NOI.
- T. Request for an Individual Permit.** An operator may apply for an individual permit rather than apply for coverage under AZG2004-002. An individual application must be submitted for coverage under such a permit with reasoning supporting the request. If such reasoning is considered adequate by ADEQ, the request will be granted and an individual permit issued. If a permittee seeks coverage under an individual permit and is denied individual permit coverage, the permittee must maintain coverage or immediately seek coverage under AZG2004-002.

XII. Penalties for Violation of Permit Conditions (Part IX of the CAFO GP)

This part advises the regulated community of the appropriate legal authorities and potential penalties for non-compliance with the CAFO GP.

XIII. Definitions (Part X of the CAFO GP)

The permit contains definitions of statutory, regulatory and other terms important for understanding the permit and its requirements.